

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE ALTA MESA RESOURCES, INC.
SECURITIES LITIGATION

Case No. 4:19-cv-00957

CLASS ACTION

[Lead Case]

ALYESKA MASTER FUND, L.P.,
ALYESKA MASTER FUND 2, L.P., and
ALYESKA MASTER FUND 3, L.P.,

Plaintiffs,

Civil Action No. 4:22-cv-
001189

[Consolidated Case]

v.

ALTA MESA RESOURCES, INC., f/k/a
SILVER RUN ACQUISITION
CORPORATION II; RIVERSTONE
HOLDINGS LLC; ARM ENERGY
HOLDINGS LLC; BAYOU CITY ENERGY
MANAGEMENT, LLC; HPS INVESTMENT
PARTNERS, LLC; JAMES T. HACKETT,
HARLAN H. CHAPPELLE, WILLIAM
GUTERMUTH, JEFFREY H. TEPPER,
DIANA J. WALTERS; MICHAEL E. ELLIS;
RONALD SMITH; DON DIMITRIEVICH;
PIERRE F. LAPEYRE, JR.; DAVID M.
LEUSCHEN; WILLIAM W. MCMULLEN;
DONALD SINCLAIR; STEPHEN COATS;
and THOMAS J. WALKER,

Defendants.

ORBIS GLOBAL EQUITY LE FUND
(AUSTRALIA REGISTERED), ORBIS
GLOBAL EQUITY FUND (AUSTRALIA
REGISTERED), ORBIS GLOBAL
BALANCED FUND (AUSTRALIA
REGISTERED), ORBIS SICAV, ORBIS
INSTITUTIONAL GLOBAL EQUITY L.P.,
ORBIS GLOBAL EQUITY FUND
LIMITED, ORBIS INSTITUTIONAL
FUNDS LIMITED, ALLAN GRAY
AUSTRALIA BALANCED FUND, ORBIS
OEIC, and ORBIS INSTITUTIONAL U.S.
EQUITY L.P.,

Plaintiffs,

v.

ALTA MESA RESOURCES, INC., f/k/a
SILVER RUN ACQUISITION
CORPORATION II; RIVERSTONE
HOLDINGS LLC; ARM ENERGY
HOLDINGS LLC; BAYOU CITY ENERGY
MANAGEMENT, LLC; HPS INVESTMENT
PARTNERS, LLC; JAMES T. HACKETT,
HARLAN H. CHAPPELLE, WILLIAM
GUTERMUTH, JEFFREY H. TEPPER,
DIANA J. WALTERS; MICHAEL E. ELLIS;
RONALD SMITH; DON DIMITRIEVICH;
PIERRE F. LAPEYRE, JR.; DAVID M.
LEUSCHEN; WILLIAM W. MCMULLEN;
DONALD SINCLAIR; STEPHEN COATS;
and THOMAS J. WALKER,

Defendants.

Civil Action No. 4:22-cv-02590
[Consolidated Case]

DON DIMITRIEVICH AND HPS INVESTMENT PARTNERS, LLC'S PARTIAL JOINDER IN CERTAIN MOTIONS FOR SUMMARY JUDGMENT ON GROUNDS OF DAMAGES AND LOSS CAUSATION

Don Dimitrievich and HPS Investment Partners, LLC (“HPS”) respectfully submit this partial joinder in the Summary Judgment Motion by Director Defendants David M. Leuschen, Pierre F. Lapeyre, Jr., Donald R. Sinclair, James T. Hackett, William D. Gutermuth, Jeffrey H. Tepper, and Diana J. Walters on Class Plaintiffs’ Section 10(b) and 20(a) claims (ECF No. 526) (“Director Mot.”) and the Summary Judgment Motion by Defendants Alta Mesa Resources, Inc., James T. Hackett, Thomas J. Walker, William D. Gutermuth, Jeffrey H. Tepper, Diana J. Walters, Stephen S. Coats, Harlan H. Chappelle, Michael E. Ellis, Ronald J. Smith, David M. Leuschen, Pierre F. Lapeyre, Jr., Donald R. Sinclair, and Riverstone Holdings LLC on Opt-Out Plaintiffs’ claims (ECF No. 521) (“Opt-Out Mot.”).

PARTIAL JOINDER

Mr. Dimitrievich hereby joins movants’ argument that Plaintiffs have failed to adduce evidence of loss causation or damages as required to support their Section 10(b) claims.¹ Director Mot. at 20-23; Opt-Out Mot. at 14. Mr. Dimitrievich and HPS further join movants’ arguments that they are entitled to summary judgment on Plaintiffs’ Section 20(a) claims for failure to show loss causation or damages. Director Mot. at 23-25.

¹ Mr. Dimitrievich and HPS previously submitted motions for summary judgment that are fully briefed and pending before the Court. For the reasons contained therein, the Court need not reach issues of loss causation and damages to resolve the claims against Mr. Dimitrievich and HPS. However, loss causation and damages provide an additional basis for dismissal.

CONCLUSION

Accordingly, Mr. Dimitrievich and HPS respectfully submit this partial joinder.

Dated: December 22, 2023

Respectfully submitted,

/s/ Christopher Porter

(signed by permission of Attorney-in-Charge)

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**COUNSEL TO HPS INVESTMENT
PARTNERS, LLC AND DON
DIMITRIEVICH**

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was filed on December 22, 2023 using the Court's CM/ECF system, which will therefore will send electronic notification of such filing to all counsel of record.

/s/ Christopher Porter
Christopher Porter